



PIMA COUNTY ATTORNEY'S OFFICE DEFERRED PROSECUTION ANNUAL REPORT FISCAL YEAR 2016/2017

ADULT DIVERSION PROGRAM ORGANIZATION

The program is comprised of eight separate diversion entities:

- Felony Diversion Program
- Domestic Violence Diversion Program
- Re-offender Diversion Program
- Misdemeanor Diversion Program
- Substance Abuse Diversion Program
- Marijuana and Paraphernalia Diversion Program
- University of Arizona Student Diversion Program
- Tobacco Retailer Diversion Program

All diversion programs are post-arraignment and pre-adjudication. Prosecution is suspended for up to two (2) years. A Diversion Specialist reviews the cases and determines if all of the diversion terms have been met. If the defendant completes the diversion terms, the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and criminal prosecution is resumed.

Felony Diversion Program

This program is designed to handle first-time diversion eligible defendants charged with a felony offense. The defendant will be supervised by an Adult Diversion Specialist (Specialist) for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Domestic Violence Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a domestic violence misdemeanor offense. The defendant will be supervised by a Specialist from six (6) to twelve (12) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The defendant will attend programs such as domestic violence counseling and parenting classes as well as pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Re-offender Diversion Program

This program is designed to handle diversion eligible defendants cited for a second misdemeanor offense. The defendant will be supervised by a Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Misdemeanor Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Substance Abuse Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor substance offense, such as unlawful possession of marijuana, drug paraphernalia or alcohol. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Marijuana and Paraphernalia Diversion Program

This program started May 2017. Prior to May, the two charges were previously included in the above Substance Abuse Diversion Program. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor possession charges involving possession of marijuana or possession of drug paraphernalia for personal use. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to Community Bridges, Inc. (CBI is a community service provider specializing in behavioral health and substance use treatment.) CBI will screen the defendant for a substance use disorder and determine the appropriate drug intervention plan. CBI will monitor their progress and report back to the diversion office.

University of Arizona Student Diversion Program

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to the Dean of Students Office. The Dean of Students Office will determine the appropriate intervention plan, monitor the student's progress, and report back to the diversion office.

Tobacco Retailer Diversion Program

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle first-time offenders that are cited for selling tobacco to minors. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, instructions to attend an Arizona Retailer Tobacco Training, and deadlines.

Program Supervision

Currently, two (2) Specialists supervise the above described diversion programs. Two (2) to three (3) legal processing support staff members assist the two Specialists. A director oversees the everyday operations of the specialists, legal processing support staff members, and the diversion program.

Diversion Pilot Operation

A one-week Initial Appearance Felony Drug Diversion Pilot Operation was held in June. This pilot operation accepted five (5) eligible defendants arrested for first-time felony drug possession charges involving possession of dangerous drugs or narcotic drugs for personal use. The defendants were interviewed at the jail prior to their initial appearance hearings. After accepting the terms and conditions of the diversion pilot operation, the defendants were referred to Community Bridges, Inc. (CBI). CBI screened the defendants for a substance use disorder and determined the appropriate intervention plan/treatment according to their screening results. Upon acceptance into diversion pilot, their charges were dismissed with prejudice. CBI is monitoring the defendants' treatment compliance and reporting back to the diversion office on a monthly basis or after a significant event. The diversion program director is reviewing the cases on a regular basis, but no less than once a month. If the defendants complete their treatment and all of their diversion terms are met, then the charges will not be refiled. The cases will be terminated from diversion if there is a failure to comply, and the criminal charges will be refiled.

It is an experimental undertaking in the development of a new felony drug diversion program. The pilot operation will be closely monitored. The structure may be modified for efficiency and effectiveness prior to full implementation of a felony drug diversion program.

FY 2016/2017 Adult Diversion Program Statistics

Year totals all programs combined:

Total number of cases processed:	1,233
Total number of new referrals:	994
Total number of successful terminations:	850
Total number of unsuccessful terminations:	132
Total number of cases closed:	982
Total number of pending cases:	245
Success Rate:	87%

Year totals for each program:

	Total Closed	Successful	Unsuccessful	Success Rate
Felony Diversion Program:	8	7	1	88%
Domestic Violence Diversion Program:	110	83	27	75%
Re-offender Diversion Program	132	88	44	67%
Misdemeanor Diversion Program:	149	137	12	92%
Substance Abuse Diversion Program:	417	376	41	90%
University of Arizona Student Diversion Program:	153	148	5	97%
Tobacco Retailer Diversion Program:	13	11	2	85%